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FORM NO. 241
1 FEB 59
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Congress of the United States
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Washington, D.C. 20515

COMMITTEES:
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AND URBAN AFFAIRS
POST OFFICE AND CIVIL SERVICE
Chair, Subcommittee on Compensation
and Employee Benefits
SELECT COMMITTEE ON AGING
Chair, Task Force on Social
Security and Women
COMMITTEE ON HOUSE
ADMINISTRATION
WHIP AT LARGE

PAY EQUITY ACT OF 1984
H.R. 5092

PURPOSE: To require periodic, detailed reports to the President and the Congress by the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General describing actions taken to enforce Federal laws prohibiting discrimination in compensation on the basis of sex, race, religion, color, or national origin and to reaffirm the provisions in Federal law which declare that equal pay should be provided for work of equal value.

SOURCE: Introduced by Congresswoman Mary Rose Oakar of Ohio on March 8, 1984, and referred to the Committees on Education and Labor and Post Office and Civil Service.

BACKGROUND: For decades, women have been paid less than men although they have performed the same or comparable tasks. The present discrepancy in wages (women earn an average of 62 cents for every dollar earned by men) is one of the most obvious forms of discrimination in our society. And, despite present law guarantees such as title VII of the Civil Rights Act, Executive Order 11246, and section 2301 of title V of the United States Code, discriminatory wage setting practices persist in both the public and private sectors.

Various private and public sector employers are beginning to examine their own pay structures in an effort to eliminate discriminatory wage differentials. Objective wage evaluation techniques and collective bargaining have proven successful.

However, the Federal agencies charged with enforcing pay equity have been negligent. The Equal Employment Opportunity Commission is specifically charged with providing leadership and guidance on matters regarding equal employment practices. The Commission's activity in the pay equity area has been non-existent in recent years. Similarly, other Federal agencies have been lax in enforcing equal pay laws.

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SUMMARY: Section 1 of the Act establishes the findings and purpose. The bill assumes that the earnings of full-time female workers are significantly lower than full-time male workers. The discrepancy in pay is a result of wage setting practices based on sex, race, color, religion, and/or national origin rather than on education, training, skills, effort, responsibility, and experience for the job.

The purpose of the Act is to identify discriminatory wage setting practices in the public and private sector, encourage employers to comply with current laws, reaffirm the Federal government's responsibility in enforcing present laws, and bring Federal wage setting practices into compliance with title VII of the Civil Rights Act and sections 2301, 5101, and 5301 of title V of the United States Code.

Section 2 of the Act defines the terms:
Commission--The Equal Employment Opportunity Commission; Secretary--Secretary of Labor;
Office--The Office of Federal Contract Compliance Programs and; Federal agency--any agency of the Federal Government or the District of Columbia, any Executive agency, the United States Postal Service, Postal Rate Commission, the Library of Congress, the Congress, the General Accounting Office, and the Office of Technology Assessment.

Section 3 of the Act outlines the specific activities of the Equal Employment Opportunity Commission. The E.E.O.C. would carry out a continuous program of education on eliminating discriminatory wage setting practices, would conduct research on various equitable wage setting techniques, and develop a plan to provide technical assistance to any employer requesting assistance in this area.

The section establishes guidelines which E.E.O.C. must follow when reporting to the President and the Congress on its activities in the pay discrimination area. E.E.O.C. would conduct a thorough study of all pending cases alleging wage discrimination, reporting on the number of charges, the filing location, the type of wage discrimination, the basis for the charges, the number of civil actions which the Commission has filed with respect to wage discrimination, and the present status of the charges. The bill establishes specific reporting dates for the Commission's findings.

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Section 3 also requires the Commission to conduct a study on pay discrimination in the Federal Government and report its recommendations for change within six months after enactment of this act.

Section 4 requires the Secretary of Labor to report to the President and the Congress no less than 30 days after the enactment of the bill and six months thereafter describing the actions taken to enforce Executive Order 11246, prohibiting discrimination in compensation by Federal contractors.

Section 5 requires the Attorney General to report to the President and the Congress no less than 30 days after the enactment of the bill and six months thereafter describing the actions the Office of Civil Rights had taken in enforcing title VII of the Civil Rights Act of 1964, Executive Order 11246, and other Federal laws.

Section 6 requires that, no later than 90 days after receiving the report from the E.E.O.C. regarding the Federal wage system, the Director of the Office of Personnel Management submit a report to the President and the Congress commenting on the Commission's report and a plan for implementation of the recommendations specified in that report.

Section 7 of the Pay Equity Act of 1984 requires that Federal departments and agencies include in an equal employment opportunity plan (which is required in section 717 of the Civil Rights Act of 1964--section 42 of the United States Code) a review of any discriminatory wage setting practices or any violations in equal pay laws. The section also requires the agencies to submit a plan to remedy any discriminatory practices.